

MAY 04 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ADONAY MELENDEZ,

Petitioner - Appellant,

v.

**JAMES WALKER, Warden;
ATTORNEY GENERAL OF THE
STATE OF CALIFORNIA,**

Respondents - Appellees.

No. 07-55986

D.C. No. CV-99-09912-MMM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Margaret M. Morrow, District Judge, Presiding

Argued and Submitted April 14, 2009
Pasadena, California

Before: **KOZINSKI**, Chief Judge, **PREGERSON**, Circuit Judge, and
MILLS,** District Judge.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable Richard Mills, United States District Judge for the Central District of Illinois, sitting by designation.

The California state court decision was not contrary to, or an unreasonable application of, clearly established federal law. 28 U.S.C. § 2254(d)(1). The admission of Rodriguez's redacted statement did not violate Bruton v. United States, 391 U.S. 123 (1968), because the statement only incriminated Melendez when "linked with other evidence introduced at trial." United States v. Hoac, 990 F.2d 1099, 1105 (9th Cir. 1993).

AFFIRMED.